

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER OF JUDICIAL REMOVAL

- against -

Criminal Docket No. 16 Cr. 356 (ER)

FRED ELM A/K/A FREDERIC ELMALEH,

Defendant.

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Upon the application of the United States of America, by Joshua A. Naftalis, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of FRED ELM A/K/A FREDERIC ELMALEH (the “defendant”); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant was born in Morocco and is a citizen of Canada.
3. On or about May 17, 2014, the defendant was admitted to the United States as a lawful permanent resident of the United States.
4. On or about January 16, 2020, the defendant was extradited from Canada to the United States and paroled into the United States at the Toronto Pre-clearance point of entry for the purpose of criminal prosecution.
5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of the offense of Conspiracy to Commit Securities Fraud, in violation of Title 18, United

States Code, Section 371, and Securities Fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2.

6. The above-mentioned offenses of Conspiracy to Commit Securities Fraud and Securities Fraud carry maximum term of five (5) years' imprisonment and twenty (20) years' imprisonment, respectively.
7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to Section 237(a)(2)(A)(i) of the Immigration and Nationality Act of 1952, as amended, ("INA" or the "Act"), 8 U.S.C. § 1227(a)(2)(A)(i), as alien who is convicted of a crime involving moral turpitude committed within five years (or 10 years in the case of an alien provided lawful permanent resident status under 8 U.S.C. § 1255(j)) after the date of admission, and under Section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. § 1227(a)(2)(A)(iii), as an alien who is convicted of an aggravated felony, as defined under section 101(a)(43)(M), (U) of the Act, 8 U.S.C. § 1101(a)(43)(M), (U), at any time after admission.
8. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).
9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.
10. The defendant has designated Canada as the country for removal pursuant to Section 240(d) of the INA, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the Act, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his

release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to Canada.

Dated: New York, New York

November 30, 2020

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE